

Guide to the Proposed Revisions to the Marihuana Administrative Rules

This guide is intended to provide an overview and assist in the understanding of the proposed changes to the Marihuana Rules, R 420.1 to R 420.1005. The notes below offer brief descriptions of each rule and the changes that are being made to that rule. Many of the rules are being edited or reorganized to improve clarity. These editing and reorganizational changes include consolidating related provisions, deleting duplicative provisions, changing from passive to active voice, reordering provisions to flow more logically, and general language cleanup.

Michigan uses a strike/bold format to draft changes to an existing ruleset. Existing language that is being deleted will be ~~struck~~; new language will be in **bold**.

THIS GUIDE IS NOT A COMPLETE EXPOSITION OF THE PROPOSED CHANGES TO THE MARIHUANA RULES OR A BINDING DOCUMENT AND SHOULD NOT BE EXCLUSIVELY RELIED UPON TO UNDERSTAND THE PROPOSED CHANGES. THE DRAFT MARIHUANA RULES SHOULD BE READ IN THEIR ENTIRETY TO FULLY UNDERSTAND THE PROPOSED CHANGES.

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Except for R 420.218a, the rules will take effect 180 days after filing with the Michigan Secretary of State. R 420.218a will take effect immediately upon filing.

Part 1. General Provisions

Part 1 includes provisions that apply, generally, throughout the rule set, including definitions, standards that are adopted by reference as part of the rule set, and references to other statutes that licensees must follow.

R 420.1 Definitions

This rule includes definitions for most of the terms requiring a definition that are used throughout the rule set. Definitions that were previously found in other the separate rule sets have all been moved to this rule. Some terms that are only used in one rule or one part are defined in that rule or part.

New definitions include: ‘cultivar,’ ‘executive director,’ ‘full compliance testing,’ ‘immature plant batch,’ ‘manufacturing agreement,’ ‘marihuana plant waste,’ ‘marihuana pre-roll,’ ‘marihuana waste,’ and ‘reasonable payment.’

Definitions with substantive changes include: ‘another party,’ ‘excess marihuana grower,’ ‘harvest batch,’ ‘inactive ingredient,’ ‘management agreement,’ ‘production batch,’ ‘reasonable payment,’ and ‘temporary marihuana event license’.

The definition of ‘marihuana product’ has been deleted and the term marihuana is being used throughout the rule set. The definition and substantive requirements applying to ‘restricted access areas’ have been deleted. The definition of ‘same location’ has been deleted and substantive rules applying to operating at the same location are included in R 420.203.

R 420.2 Adoption by reference

The proposed changes consolidate into one rule the codes, standards, or regulations that are currently included in R 420.202, R 420.302, and R 420.402. New standards adopted by reference include 21 CFR 117, 40 CFR 136, 40 CFR 160, the 2023 edition of ISO/IEC 17043, and the 22nd edition of the AOAC International Official Methods of Analysis.

Provisions applying to licensing found in current R 420.2 are being moved to Part 2, Applications and Licensing, including R 420.3 to R 420.6.

R 420.2a Other applicable statutes

A new rule that provides a non-exhaustive list of other state statutes that licenses must comply with. Licensees are required to comply with those statutes pursuant to the authority and requirements of those statutes. This will remind licensees of their obligations under other statutes and allow the agency to also require compliance with those statutes to be in good standing.

R 420.2b Severability

Severability provisions found throughout the current rule set are consolidated in this rule.

Part 2. Applications and Licensing

Part 2 includes most of the rules formerly found in the Marihuana Licenses rule set and includes all provisions pertaining to the application and licensing process, as well as rules pertaining to social equity, financial statements, notification and reporting, court-appointed individuals, and removing current licensing restrictions.

R 420.3 Prequalification; application process

The proposed change consolidates provisions regarding the prequalification application process. Substantive changes include allowing the agency to reassess and revoke a prequalification status if the agency determines a person who has been prequalified no longer meets the requirements for prequalification. Current provisions for applying for a marihuana license have are being moved to R 420.5 and R 420.6.

R 420.4 Prequalification; requirements

The proposed change consolidates provisions regarding the qualifications and requirements for prequalification. Current provisions regarding prequalification under the MMFLA have been moved to new rule R 420.4a.

R 420.4a Prequalification under the MMFLA; financial information; capitalization; fingerprints

This new rule consolidates prequalification requirements that are unique to prequalification under the MMFLA.

R 420.5 Marihuana license; application process

The proposed change consolidates provisions regarding the license application process.

R 420.6 Marihuana license; application requirements

The proposed changes consolidate provisions regarding the qualifications and requirements for licensure. Substantive changes include: requiring applicants to provide DBAs, trademarks, service marks, and brands; requiring applicants who will engage in processing to identify on their application which type of processing they intend to engage in. Current provisions regarding license ineligibility have been consolidated in R 420.11 Denial of a marihuana license; additional reasons.

R 420.7 Proof of financial responsibility; insurance

The proposed changes move the provisions in current R 420.10 regarding proof of financial responsibility to this rule. Substantive changes include: requiring that the insured person be the licensee and providing who may be an additional insured; including the requirements for liability insurance in MCL 333.27961a. Current provisions regarding license fees have been moved to R 420.9.

R 420.8 Marihuana business location plan

Provisions that apply to the marihuana business location plan have been consolidated and reorganized to improve clarity, including the removal of redundant provisions.

R 420.8a Prelicensure inspections

A new rule that moves the provisions that apply to the prelicensure inspection found in current R 420.11a to this rule.

R 420.9 License fees; regulatory assessments; renewal fees

The proposed changes move the fee provisions from current R 420.7 to this rule.

R 420.10 Amendments; application requirements

A new rule that establishes the requirements for submitting a request to amend an application or marihuana license. Current provisions regarding proof of financial responsibility have been moved to R 420.7.

R 420.11 Denial of a marihuana license; additional reasons

The proposed changes consolidate provisions regarding denial of a marihuana license as well as delete provisions in current rule that are redundant to statutory provisions. Substantive changes include allowing the agency to deny a license for: a civil judgment being entered against an applicant for non-payment of an invoice related to a marihuana purchase; the applicant having a history of noncompliance; the applicant having a criminal history involving distribution to minors; a managerial employee managing a conflicting license type. Current provisions regarding capitalization requirements for MMFLA applicants have been moved to R 420.4a

R 420.11a Rescinded

The rule is being rescinded and current provisions regarding the prelicensure investigation have been moved to R 420.6 and R 420.8a

R 420.12 Denial of an amendment to a marihuana license

A new rule regarding a request to amend a license being denied. Current provisions regarding denial of a marihuana license have been moved to R 420.11 or have been deleted for being redundant to statutory provisions.

R 420.13 Renewal of a marihuana license

This rule has been reorganized to improve clarity. A proposed change would require a licensee to provide the CRA with the licensee's organizational structure and, if the licensee is a producer, the brands produced by the licensee.

R 420.14 Nonrenewal of a marihuana license

A new rule regarding nonrenewal of a marihuana license. Provisions found in current R 420.13 pertaining to non-renewal have been moved to this new rule to improve clarity. Substantive changes include allowing the agency to not renew a marihuana license if a civil judgment has been entered against the licensee for non-payment of an invoice related to a marihuana purchase. Current provisions pertaining to notification and reporting have been moved to R 420.15.

R 420.15 Notification and reporting

The proposed changes combine the current reporting requirements in R 420.14, R 420.15 and R 420.802 and makes those requirements apply to licensees rather than applicants. The term applicants will be used consistently to refer to those applying for a license and the term licensee will be used to refer to those with a license. Current provisions that require licensees to obtain permission before making a change have been moved to R 420.18.

Substantive changes include: requiring licensees to provide in a timely manner up to date contact information and requiring that a licensee, supplemental applicant, or manager be a point of contact; adding to the existing list of material changes that must be reported to the CRA; explicitly requiring licensees to notify the CRA of the initiation and conclusion of legal proceedings; requiring licensees to report changes to lease agreements.

R 420.16 Removing restrictions on ownership interests

The proposed change removes existing restrictions on ownership in MCL 33.27959(1)(d)(3), as explicitly allowed in that section. Current provisions that apply to inspections, investigations, and audits have been moved to R 420.801; administrative holds have been moved to R 420.803; and exclusion have been moved to R 420.806c.

R 420.17 Stacked license

The proposed changes are intended to improve clarity.

R 420.18 Changes to a marihuana business

Current provisions pertaining to notification and reporting in R 420.14 have been moved to this rule. Substantive changes include adding changes to trademarks, service marks, or brands to the list of material changes.

R 420.19 Communities disproportionately impacted by marihuana prohibition

No substantive changes.

R 420.19a Social equity program

A new rule that codifies the existing requirements and privileges of the social equity program.

R 420.20 Financial statements

The proposed changes revise timelines, due dates, and reporting requirements for the required financial statements. The rule also allows the agency to require a licensee to submit statements more frequently for failure to submit on time.

R 420.21 Licensing, management, manufacturing, other agreements

The proposed changes move the provisions in current R 420.112a to this rule. Rules that apply to special licenses in current R 420.21 are being moved to R 420.101.

Substantive changes include: adding manufacturing and other agreements to the existing list of agreement types; revising requirements for agency notification and approval of certain types of

agreements; requiring licensees to include in an agreement the method by which costs will be calculated if the price and payment terms are not specifically defined in the agreement.

R 420.22 Licensee records

The proposed changes move the provisions in current R 420.203 pertaining to record keeping and record retention to this rule. Current provisions regarding designated consumption establishments have been moved to R 420.102.

Substantive changes include: requiring licensees to maintain a double entry accounting system; adding bank statements to the list of required documents; revising requirements for agreements records; requiring certain licensees to reconcile revenue monthly; requiring licensees to maintain records in a way that allows marihuana and hemp transactions to be reconciled separately.

R 420.23 Marihuana business websites; public representations; ownership

The proposed changes prohibit licensees from publicly representing different ownership and management than has been approved by the CRA. Provisions that apply to excess grower licenses in current R 420.23 are being moved to R 420.103.

R 420.24 Court-appointed individuals

The proposed changes establish requirements for individuals that have been appointed by a court to operate a marihuana business. Provisions that apply to marihuana event organizer licenses in current R 420.24 are being moved to R 420.104.

R 420.25 – R 420.29 Rescinded

Provisions in current “Part 2. Special Licenses Under the Michigan Regulation and Taxation of Marihuana Act” of the Marihuana Licenses rules are being moved to rules in new “Part 2. Applications and Licensing” and “Part 3. Additional Marihuana License Types,” and the unused rule numbers are being rescinded.

Part 3. Additional Marihuana License Types

Part 3 includes rules prescribing requirements for additional license types created by the agency under sec. 8 of the MRTMA, MCL 333.27958(2)(a). The provisions in current R 420.102 to R 420.112 have been deleted for being redundant to statutory provisions or have been moved to rules in Part 4. Operations.

R 420.101 Additional licenses

The proposed changes would move provisions in current R 420.21 to this rule. Current definitions have been consolidated in R 420.1.

R 420.102 Designated consumption establishment license

The proposed changes would move the provisions in current R 420.22 to this rule. Current requirements that apply to growers have been moved to R 420.205 or deleted, if redundant. Provisions that pertain to

entering information into the statewide monitoring system and transfers of marihuana have been moved to rules pertaining to those topics, R 420.201 and R 420.216.

Substantive changes include allowing a designated consumption establishment to be co-located with a non-marihuana business, provided that any other requirements (e.g. licenses, permits, zoning) placed on the non-marihuana business are met and that the DCE does not serve alcohol or allow alcohol to be served.

R 420.103 Excess marihuana grower license

As a result of the proposed change in R 420.16, the proposed changes would make the scope of an excess marihuana grower identical to the scope of a class C marihuana grower license and the agency would no longer issue new excess grower licenses, but would continue to renew existing licenses. Current requirements that apply to marihuana processors have been moved to R 420.208 or deleted if redundant. Provisions that pertain to entering information into the statewide monitoring system and transfers of marihuana have been moved to rules pertaining to those topics, R 420.201 and R 420.216

R 420.104 Marihuana event organizer license

The proposed changes move the provisions in current R 420.24 to this rule and delete provisions regarding MEOs that are redundant to other rules. Current requirements that apply to marihuana retailers have been moved to Part 7 or deleted if redundant. Provisions that pertain to entering information into the statewide monitoring system and transfers of marihuana have been moved to rules pertaining to those topics, R 420.201 and R 420.216

R 420.105 Temporary marihuana event license; application

The proposed changes move the provisions in current R 420.25 to this rule. Provisions pertaining to operations at a temporary marihuana event (TME) have been moved to R 420.107, a new rule prescribing the requirements for TME operations. Current requirements that apply to marihuana microbusinesses have been moved to R 420.204 or deleted if redundant. Provisions that pertain to entering information into the statewide monitoring system or transfers of marihuana have been moved to rules pertaining to those topics, R 420.201 and R 420.216

Substantive changes include: eliminating the requirement that an applicant for a TME provide retailer location numbers, changing the definition of TME in R 420.1 so that a license is no longer required for events where marihuana is only consumed and not sold, prohibiting TMEs from being co-located with liquor licensees, and prohibiting serving or consumption of alcohol at a TME.

R 420.105a Rescinded

This rule is being rescinded. Provisions regarding class A marihuana microbusinesses have been moved to R 420.110.

R 420.106 Temporary marihuana event; fee

The proposed change moves provisions in current R 420.26 to this rule. No other substantive changes are being made.

Current requirements that apply to marihuana secure transporter licenses have been moved to R 420.206 or deleted if redundant. Provisions that pertain to entering information into the statewide monitoring system and transfers of marihuana are being moved to rules pertaining to those topics, R 420.201 and R 420.221.

R 420.107 Temporary marihuana event; operations

The proposed change moves provisions regarding operations at TMEs in R 420.25 to this rule.

Current requirements that apply to marihuana safety compliance facilities have been moved to R 420.207, Part 5, or deleted if redundant. Provisions that pertain to entering information into the statewide monitoring system and transfers of marihuana have been moved to rules pertaining to those topics, R 420.201 and R 420.216

R 420.108 Temporary marihuana event sales

The proposed change moves provisions in current R 420.27 to this rule. Small changes are being made to improve clarity.

Current requirements that apply to grower licenses have been moved to R 420.205 or deleted if redundant. Provisions that pertain to entering information into the statewide monitoring system and transfers of marihuana have been moved to rules pertaining to those topics, R 420.201 and R 420.216

R 420.109 Marihuana educational research license

The proposed change moves provisions in current R 420.27a to this rule. Small changes are being made to improve clarity.

Current requirements that apply to processor licenses have been moved to R 420.208 or deleted if redundant. Provisions that pertain to entering information into the statewide monitoring system and transfers of marihuana have been moved to rules pertaining to those topics, R 420.201 and R 420.216

R 420.110 Class A marihuana microbusiness

The proposed changes move the provisions in current R 420.27b, R 420.105a, and R 420.213 to this rule. Requirements that are redundant to the application requirements in Part 2 have been deleted.

Substantive changes include allowing class A marihuana microbusinesses to process marihuana and sell harvested marihuana to a marihuana grower, marihuana processor, or marihuana retailer; and prohibiting a person from having an ownership interest in a class A marihuana microbusiness and another marihuana business.

Current requirements that apply to secure transporter licenses have been moved to R 420.206 or deleted. Provisions that pertain to entering information into the statewide monitoring system and transfers of marihuana have been moved to rules pertaining to those topics, R 420.201 and R 420.216

R 420.111 Rescinded

Current requirements that apply to provision center licenses have been moved to Part 7 or deleted if redundant. Provisions that pertain to entering information into the statewide monitoring system and transfers of marihuana have been moved to rules pertaining to those topics, R 420.201 and R 420.216

R 420.112 Rescinded

Current requirements that apply to safety compliance facility licenses have been moved to R 420.207, Part 5, or deleted if redundant. Provisions that pertain to entering information into the statewide monitoring system and transfers of marihuana have been moved to rules pertaining to those topics, R 420.201 and R 420.216

R 420.112a Rescinded

Current provisions regarding licensing, management, and other agreements have been moved to R 420.21.

R 420.113 Rescinded

Severability provisions have been moved to R 420.2b.

Part 4. Marihuana Operations

Part 4 includes the rules formerly found in the Marihuana Operations rule set, provisions that pertain to marihuana operations that have been moved to this rule from other rules—including the former Marihuana Licensees rules—and new rules that consolidate requirements that apply to the statewide monitoring system.

R 420.201 Statewide monitoring system; requirements

The proposed changes consolidate the requirements for entering information into the statewide monitoring system that are currently distributed throughout the rule set.

Substantive changes include: Requiring licensees to enter marihuana into the statewide monitoring system not more than 24 hours after receiving the marihuana; requiring cultivators and producers to enter which room or area within the business marihuana is located in; allowing cultivators with stacked licenses to enter all information under one license; requiring processors to enter the amount of marihuana used during processing, the processing method, and the amount of plant material left over; requiring licensees to enter additional identifying information when creating a new item; requiring licensees to enter expiration dates of an edible marihuana product; requiring marihuana transporters to enter if they are holding marihuana overnight; requiring laboratories to upload COAs for each sample; requiring licensees to document any errors or adjustments; requiring errors to be corrected within 7 days of receiving notification of the error.

Definitions in current 420.201 have been moved to R 420.1.

R 420.201a Statewide monitoring system; item categories; transfer categories

A proposed new rule that includes the item categories and transfer categories currently found in the Compliance Best Practices bulletin, adds new categories, and requires licensees to appropriately categorize marihuana products in the statewide monitoring system according to those categories.

R 420.201b Statewide monitoring system; sampling and testing; results

A proposed new rule that consolidates the requirements for entering sampling and testing information into the statewide monitoring system that are currently found in R 420.303a, R420.304, R 420.305, and R 420.307.

R 420.201c Statewide monitoring system; access

A new rule that consolidates requirements that are currently found in R 420.602.

Substantive changes include: requiring licensees to become active in the statewide monitoring system before possessing marihuana; requiring all API integrations to assign each employee a unique identifier.

R 420.202 Marihuana licenses; licensees; operations; general

The proposed changes move some of the provisions in current 420.203 to this rule. Provisions found in current R 420.203 pertaining to records and recordkeeping are being moved to new R 420.22.

Substantive changes include: Adding designated consumption establishments and industrial hemp processing to the business types and activities that do not need to be separated from a marihuana business; and requiring licensees with inventory to perform physical audits of their inventory.

R 420.203 Operating marihuana businesses at the same location

The proposed changes move provisions in current R 420.204 and R 420.205 to this rule. Current provisions in R 420.203 regarding general operations have been moved to R 420.202, R 420.22 and Part 7.

R 420.203a Transfer of marihuana between equivalent licenses

The proposed changes move provisions in current R 420.214 to this rule. Provisions in the current rule that pertain to entering information into the statewide monitoring system and transfers of marihuana are being moved to rules pertaining to those topics, R 420.201 and R 420.216.

Substantive changes include: establishing the process for transfers between equivalent license currently established in the Transfer of Marijuana Product Between Equivalent Licenses bulletin.

R 420.204 Marihuana microbusiness

The proposed changes move provisions in current R 420.105 and R 420.213 to this rule. No other substantive changes have been made. Current provisions regarding operating at the same location have been moved to R 420.203.

R 420.205 Cultivators

The proposed changes consolidate operational requirements for cultivators. Requirements in current R 420.102, R 420.108, R 420.206 that apply exclusively to cultivators, R 420.303, and R 420.503a, have been moved to this rule.

Substantive changes include: Clarifying the provisions currently found in the FAQs on the CRA website for operating out of a collapsed license; clarifying that a plant tag needs to be attached to a plant once the plant reaches 8 inches tall; clarifying that after harvest, the parts of the harvested plant must be

identified with the plant tag identification number; eliminating the provision in current R 420.303(6) that allows cultivators to transfer untested marihuana for processing; eliminating requirements from throughout the ruleset that require strain to be identified; and requiring cultivators to identify rooms and rows (for outdoor grows) where plants are growing.

Provisions in current R 420.205 regarding equivalent licenses have been moved to R 420.203.

R 420.205a Harvest batch; identification and tracking

The proposed changes move provisions in current R 420.303 and R 420.304 that apply to harvest batches to this rule from the sampling and testing rules.

R 420.206 Marihuana transporters

The proposed changes prescribe the operational requirements for transporters. Requirements in current R 420.206 that apply exclusively to transporters have been included in this rule. Operational requirements for transporters in current R 420.106 and R 420.110 that apply to transporters have been moved to this rule. Substantive changes include clarifying that a transporter must use a motor vehicle to transport marihuana.

All provisions in current R 420.206 that do not apply to marihuana transporters have been moved to other rules that apply to those topics.

R 420.206a Rescinded

The provisions in current R 420.206a regarding standard operating procedures have been moved to R 420.213.

R 420.207 Laboratories

The proposed changes prescribe the operational requirements for laboratories. Provisions in current R 420.206 that apply exclusively to laboratories and provisions in the Marihuana Sampling and Testing rules that apply to the operation of a lab, rather than testing specifically, have been moved to this rule.

Rules in current R 420.207 that apply to marihuana delivery are being moved to R 420.502 and R 420.503.

R 420.207a Rescinded

The provisions in current R 420.207a regarding contactless and limited contact transactions have been moved to R 420.504.

R 420.208 Producers

The proposed changes prescribe the operational requirements for producers. Requirements in current R 420.206 that apply exclusively to producers have been moved to this new rule. Other existing rule provisions in R 420.103, R 420.109, R 420.303 and R 420.403 that apply to the operational requirements for producers have been moved to this rule.

Substantive changes include: Removing ISO 22000 as an equivalent option to CFR Part 117; creating a certification option for employees producing edible marihuana products; requiring producers to

maintain certificates of analysis for non-marihuana ingredients used in the production of marihuana-infused products; require producers to maintain and adhere to records of formulation for marihuana-infused products.

Provisions in current R 420.208 that apply to building and fire safety are being moved to R 420.210.

R 420.209 Security measures; required plan; video surveillance system

The proposed changes include: Requiring video surveillance cameras to record areas specifically where sampling is performed; requiring licensees to provide the agency with real-time access to their video surveillance system via web-based portal.

R 420.210 Building and fire safety

The proposed changes move the provisions in current R 420.208 to this rule.

The provisions in current R 420.210 that apply to prohibitions are being moved to R 420.218.

R 420.211 Marihuana disposal and waste management

The proposed changes include: eliminating the requirement that marihuana plant waste be rendered unusable or unrecognizable and mixed with other waste; allowing licensees to receive and dispose of used vape cartridges by recycling.

R 420.212 Storage of marihuana product

No significant changes are being proposed.

R 420.213 Standard operating procedures.

The proposed changes move the provisions of current R 420.206 to this rule. Substantive changes include: Requiring licensees to follow their SOPs; requiring licensees to maintain documentation that verifies they followed their SOPs.

The provisions in current R 420.213 that apply to class A marihuana microbusinesses and marihuana microbusinesses are being moved to R 420.110 and R 420.204.

R 420.214 Closed licenses

The proposed changes require licensees to either transfer or dispose of any marihuana prior to closing a marihuana business.

The provisions in current R 420.214 that apply to transfers between equivalent licenses are being moved to new R 420.203a.

R 420.214a – R 420.214c Rescinded

These rules are being rescinded and the provisions in those rules that apply to adverse reactions, internal analytical testing, adverse reactions, and product returns are being moved to R 420.14, R 420.215, and R 420.217, respectively.

R 420.215 Internal analytical testing

The proposed changes move provisions in current R 420.214a to this rule. Provisions in current R 420.215 that apply to severability are being consolidated in R 420.2b.

R 420.216 Transferring and transporting marihuana

The proposed changes move all provisions in the current marihuana rules that apply to the transfer of marihuana to this rule.

Substantive changes include: requiring licensees to weigh flower not more than 48 hours prior to shipping; allowing licensees 72 hours to verify a shipment; requiring product receiving special approval to be transferred within 3 days or receiving approval.

R 420.217 Product returns

The proposed change moves the provisions in current R 420.214c to this rule.

R 420.218 Prohibitions

The proposed change moves the provisions in current R 420.210 to this rule.

R 420.218a Prohibition on converting cannabinoids

A proposed new rule prohibiting the conversion of one cannabinoid into another cannabinoid and prohibiting the sale of converted cannabinoids.

This rule will take effect immediately upon filing with the Michigan Secretary of State.

R 420.219 Banned chemicals

A proposed new rule that bans the use of chemicals currently found in the Agency Banned Chemical Active Ingredients bulletin. The list of chemicals is in R 420.306a.

R 420.220 Updating standards

A proposed new rule that moves the provisions in current R 420.206(16) to this rule.

R 420.221 Compliance with 21 CFR 117

A proposed new rule to specify and revise the timelines by which licensees must comply with subparts of Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food, 21 CFR part 117 in current R 420.403.

Part 5. Sampling and Testing

Part 5 includes rules formerly found in the Marihuana Sampling and Testing rule set as well as provisions pertaining to sampling and testing that are currently found in the Sampling and Testing Technical Guidance for Marijuana Products and bulletins published by the agency.

R 420.301 Definitions

This rule includes definitions that are specific to Part 5 of the rule set. Definitions in current R 420.301 that apply to the entire rule set are being moved to R 420.1

Substantive changes include: defining terms used throughout the current rules, guides, and bulletins.

R 420.302 Sampling; collection

The proposed changes move the provisions in current R 420.304 regarding sampling and collection to this rule. Provisions in current R 420.304 regarding the general operation of laboratories are being moved to R 420.207 and provisions regarding sample sizes are being moved to R 420.303.

Substantive changes include: specifically requiring sampling to be performed in view of a camera and requiring cultivators and producers to confirm the weight and units of the sample being collected along with the laboratory.

Provisions found in current R 420.302 are being moved to R 420.2.

R 420.303 Sample sizes

The proposed change moves the provisions in current R 420.304 regarding sample sizes to this rule.

Provisions found in current R 420.303 are being moved to R 420.205 and R 420.205a.

R 420.303a Rescinded

Provisions in current R 420.303a regarding package tags, quarantining marijuana, and sales are being moved to R 420.208 and R 420.501.

R 420.304 Sample; chain of custody and transportation

The proposed changes move the provisions in current R 420.304 regarding the chain of custody form and transporting samples to this rule.

Provisions in current R 420.304 have been moved to R 420.201, R 420.302, and R 420.303.

R 420.305 Testing

The proposed changes retain current requirements regarding testing only and move other provisions not related to testing to R 420.207 and multiple other rules in Part 5. Substantive changes include: incorporating provisions from the Sampling and Testing Guide, prohibiting labs for engaging in certain conduct, and deleting language that references testing allowances for GMP or GACP certified businesses.

R 420.305a Rescinded

Provisions regarding method validations in current R 420.305a are being moved to R 420.310 and the rule is being rescinded.

R 420.305b Rescinded

Provisions regarding quality assurance and quality control in current 420.305b are being moved to R 420.311 and R 420.311a and the rule is being rescinded.

R 420.306 Required tests

The proposed changes include inserting the testing requirements currently found in the Sampling and Testing Guide. The rules in current R 420.306 that apply to testing after a failed test are being moved to R 420.308.

Substantive changes include: requiring each batch to pass homogeneity testing; requiring terpene testing of flower.

R 420.306a Action limits; limits of quantitation

A proposed new rule that includes the action limits and limits of quantitation currently found in the Sampling and Testing Guide and adds new analytes to the testing requirements.

R 420.306b Analysis for foreign matter

A proposed new rule that includes the requirements for performing foreign matter analysis currently found in the Sampling and Testing Guide.

R 420.306c Homogeneity testing

A proposed new rule that includes the requirements for homogeneity testing currently found in the Sampling and Testing Guide.

R 420.306d Potency analysis

A proposed new rule that includes the requirements for potency analysis currently found in R 420.305 and the Sampling and Testing Guide.

R 420.306e Minimum test portions

A proposed new rule that includes the minimum test portions currently found in the Sampling and Testing Guide.

R 420.307 Beverage testing and analysis

A proposed new rule that includes provisions found in the Process to Obtain Agency Approval for the Analysis of Marihuana-Infused Beverages bulletin.

Provisions in current R 420.307 that apply to research and development testing are being moved to R 420.312.

R 420.308 Retesting marihuana after failed initial safety testing

The proposed changes move provisions in current R 420.206 to this rule and includes additional provisions regarding retesting marihuana after failed testing. Provisions in current R 420.308 that apply to severability are being consolidated in R 420.2b.

R 420.309 Remediation

A proposed new rule that consolidates provisions in current R 420.306 and provisions in the Approval for Remediation Transfers bulletin in this rule. Substantive changes include adding to the list of testing failures that cannot be remediated.

R 420.310 Method validations

A proposed new rule that consolidates the provisions in current R 420.305 and provisions in current R 420.305a that apply to method validations to this rule.

R 420.311 Quality assurance and quality control

A proposed new rule that moves the provisions in current R 420.305b to this rule. Substantive changes include: Adding review of reagent logs to the list of required monitoring; adding procedures for the verification of instruments and software; adding proof of reliability testing to the list of items required in the quality assurance manual; adding a requirement for how a laboratory must perform calibration.

R 420.311a Quality control acceptance

A proposed new rule that includes provisions currently found in the Sampling and Testing Guide.

R 420.312 Research and development testing

A proposed new rule that moves the provisions in current R 42.307 to this rule.

R 420.313 Proficiency testing

A proposed new rule that requires laboratories to participate in proficiency testing.

R 420.314 Agency compliance testing

A proposed new rule that moves provisions in current R 420.206(15) and R 420.305(17) to this rule.

Part 6. Marihuana Products

Part 6 includes rules formerly found in the Marihuana-Infused Products and Edible Marihuana Products rule set, as well as new rules that apply to marihuana products. It also includes existing rules that apply to marihuana products that have been moved to this part from other parts of the rule set.

R 420.401 Marihuana pre-rolls

The proposed new rule prescribes the requirements for creating a marihuana pre-roll. Retailers will be allowed to make pre-rolls. Pre-rolls with marihuana from multiple harvest batches can be included in a multi-pack.

The definitions in current R 420.401 have been moved to R 420.1.

R 420.402 Marihuana-infused products

The proposed changes move the provisions in current rule R 420.403 that apply generally to marihuana-infused products to this rule. The rule also includes general requirements regarding marihuana-infused products found in current R 420.206.

The provisions in current R 420.402 regarding adoption by reference have been moved to R 420.2.

R 420.402a Edible marihuana products

The proposed new rule moves the provisions in current R 420.403 that apply to edible marihuana products to this rule. Substantive changes include requiring multiple-serving edible products to include a way to easily choose a one-serving portion.

R 420.402b Edible marihuana products; prohibitions

The proposed new rule moves the provisions in current R 420.403 regarding prohibitions on edible marihuana products to this rule.

R 420.403 Marihuana-infused beverages

The proposed changes include codifying the beverage creation process currently found in the Process to Obtain Agency Approval for Production of Marijuana-Infused Beverages bulletin.

Provisions in current R 420.403 are being moved to other rules. For example, provisions regarding operational requirements for producers are being moved to R 420.208; labeling requirements are being moved to R 420.405 through R 420.405b; other provisions that apply to marihuana-infused products are being moved to R 420.402 through R420.402b.

R 420.403a Marihuana-infused beverages; research and product development

A proposed new rule that includes the research and product development requirements for beverage creation currently found in the Process to Obtain Agency Approval for the Analysis of Marijuana-Infused Beverages bulletin.

R 420.404 Final packaging

The proposed changes include provisions prescribing the requirements for final packaging of marihuana. Provisions in current R 420.403 that apply to final packaging are being moved to this rule.

Substantive changes include: requiring marihuana to be sold in opaque, child-resistant, resealable final packaging; requiring packages and containers to be food grade and comply with all MDARD requirements for non-marihuana food and beverage packaging.

Provisions in current R 420.404 that apply to maximum THC concentration are being moved to R 420.406

R 420.405 Labeling; marihuana

The proposed changes include moving labeling requirements in current R 420.502 and R 420.504 to this rule. Substantive changes include: Removing the requirement that strain be on the label; requiring serving sizes and doses be included on the label; requiring that individual packages sold in a multi-pack include certain information; explicitly allowing licensees to include a QR code on the label.

Provisions in current R 420.405 that apply to severability are being moved to R 420.2b.

R 420.405a Labeling; marihuana-infused products

A proposed new rule that moves labeling requirements specific to marihuana-infused products in current R 420.403 to this rule.

R 420.405b Labeling; edible marihuana products

A proposed new rule that moves labeling requirements specific to edible marihuana products in current R 420.403 to this rule.

R 420.406 Maximum THC concentration for marihuana-infused products

A proposed new rule that moves provisions in current R 420.404 to this rule and codifies the limits in the Maximum THC Concentrations for Marijuana-Infused Products bulletin.

R 420.407 Product development

A proposed new rule that moves the provisions in current R 420.510 to this rule. Substantive changes include allowing microbusinesses and class A microbusinesses to engage in product development.

R 420.408 Trade samples

A proposed new rule that moves the provisions in current R 420.508 to this rule and clarifies that once a trade sample is provided to an employee, it is considered an internal product sample.

R 420.409 Internal product samples

A proposed new rule that moves the provisions in current R 420.509 to this rule.

Part 7. Marihuana Sales

Part 7 includes rules formerly found in the Marihuana Sales and Transfer rule set that apply to the sale of marihuana to the public. Rules in the former rule set that do not apply to the sale of marihuana to the public—including tracking and labeling requirements, sales or transfers between licensees, and product development and samples—have been moved to other parts of the rule set.

R 420.501 Sale or transfer of marihuana; marihuana sales location

The proposed changes move the provisions in current R 420.505 to this rule. Substantive changes include: explicitly prohibiting marihuana sales locations from selling products obtained from registered caregivers.

Definitions in current R 420.501 are being moved to R 420.1.

R 420.502 Marihuana delivery; requirements

The proposed changes move provisions in current R 420.207 to this rule. Substantive changes include: allowing delivery drivers to work for co-owned sales locations, and not allowing delivery drivers to possess marihuana that has not already been ordered by a customer. Provisions in current R 420.207 that apply to delivery records have been moved to R 420.503.

Provisions in current R 420.502 that apply to tracking identification, labeling requirements, general are being moved to R 420.501, R 420.211, and R 420.803.

R 420.503 Delivery; records

The proposed changes move the provisions in current R 420.207 regarding delivery records to this rule.

Provisions in current R 420.503 that apply to plant tracking have been moved to R 420.205.

R 420.503a Rescinded.

The provision in current R 420.503a regarding plant tracking has been moved to R 420.216. The provision allowing for untested immature plant batches to be transferred to a sales location has not been retained.

R 420.504 Contactless and limited contact transactions

The proposed changes move provisions in current R 420.207a to this rule.

Provisions in current R 420.504 that apply to sales and transfers and labeling are being moved to R 420.501 and R 420.405 to R 420.405b.

R 420.505 Informational pamphlet requirements

The proposed changes move provisions in current R 420.504 regarding the informational pamphlet required under the MMFLA and MRTMA to this rule.

Provisions in current R 420.505 that apply to sales and transfers are being moved to R 420.501.

Provisions that apply to product labeling are being moved to R 420.205 to R 420.405b.

R 420.506 Purchasing limits; transactions, marihuana sales location

No substantive changes are being made. The rule has been reorganized to improve clarity.

R 420.507 Marketing and advertising restrictions

The proposed changes include requiring advertising or marketing of marihuana brands to comply with the requirements of the rule.

R 420.508 Advertising marihuana that has not been treated

The proposed changes allow marihuana businesses to indicate on advertising and/or packaging that marihuana has not been treated with radiation, gas, radio frequency, chemical, or thermal processing.

Provisions in current R 420.508 regarding trade samples have been moved to R 420.408.

R 420.509 – R 420.511 Rescinded

These rules are being rescinded and the provisions in the current rules regarding internal product samples, product development, and severability are being moved to R 420.409, R 420.407, and R 420.2b, respectively.

Part 8. Marihuana Employees

Part 8 includes rules formerly found in the Marihuana Employees rule set.

R 420.601 Rescinded

The proposed changes move definitions in current R 420.601 to R 420.1 and the rule is being rescinded.

R 420.602 Employees; requirements

The proposed changes include moving provisions that apply to entering information in the statewide monitoring system to R 420.201. Substantive changes include: specifying a time period by which a registered primary caregiver must comply with the existing requirement to withdraw their caregiver registration.

R 420.602a Employees; certifications; cultivators, microbusinesses, class A marihuana microbusiness

The proposed changes require a cultivator, microbusiness, and class A microbusiness to employ an individual who has obtained pesticide applicator certification.

Provisions in current R 420.602a regarding prohibitions are being moved to R 420.603.

R 420.603 Employment Prohibitions

The proposed change would move provisions in current R 420.602a to this rule.

Provisions in current R 420.603 regarding severability have been moved to R 420.2b.

R 420.604 Hiring employees with criminal charges or convictions

A new rule establishing requirements for hiring an employee with criminal charges or convictions currently found in the Employee Background Checks – Pending Charges and Convictions bulletin.

Part 9. Marihuana Hearings

Part 9 includes rules formerly found in the Marihuana Hearings rule set. Provisions in existing rule that are redundant to generally applicable rules about hearings have been deleted.

R 420.701 Rescinded

The proposed change includes moving definitions in current R 420.701 to R 420.1. The rule is being rescinded.

R 420.702 Hearing procedures; scope and construction of rules

The proposed changes include specifying the rule applies to denials of an amendment request.

R 420.703 Public Investigative hearing

No substantive changes. The rule is being reorganized to improve clarity.

R 420.704 Hearing on disciplinary actions

Proposed changes include specifying that discovery is not allowed in a contested case hearing.

R 420.704a Hearing on exclusion of individuals or employees

No substantive changes. The rule is being reorganized to improve clarity.

R 420.705 Hearing on summary suspensions

The proposed changes adopt language on public health, safety, and welfare similar to language currently found in the administrative procedures act.

R 420.706 Complaint by a marihuana facility

No substantive changes.

R 420.707 Proposal for decision

No substantive changes.

R 420.708 Final order

The word agency is being replaced by executive director or his or her designee.

R 420.709 Declaratory Rulings

The proposed changes move the provisions in current R 420.822 to this rule.

Provisions in current R 420.709 regarding severability have been moved to R 420.2b.

Part 10. Enforcement, Penalties, and Disciplinary Proceedings

Part 10 includes rules formerly found in the Marihuana Disciplinary Rules rule set and new rules pertaining to enforcement and disciplinary action.

R 420.801 Inspections; investigations; audits

The proposed changes move provisions regarding inspections and investigation in current R 420.16 to this rule.

R 420.802 Agency-required testing

The proposed changes allows the agency to require licensees to have marihuana tested by a laboratory.

The provisions in current R 420.802 regarding notification and reporting are being combined with the provisions in R 420.14.

R 420.803 Administrative holds

A proposed new rule that specifies the requirements for marihuana on administrative hold.

The provisions in current R 420.803 regarding changes to a marihuana business are identical to requirements found in R 420.18, so the provisions are being combined in R 420.18.

R 420.804 Recalls

A proposed new rule that specifies the requirements for recalling marihuana.

The provisions in current R 420.804 regarding notification of diversion, theft, or loss are identical to requirements found in R 420.15, so the provisions are being combined in R 420.15.

R 420.805 Persons subject to penalty; violations

Substantive changes include: specifying that a license expiring does not terminate the agency's authority to impose sanctions on the licensee. Redundant provisions detailing specific violations for which the agency may take disciplinary action are being deleted.

R 420.806 Penalties

The rule is being reorganized to improve clarity. Provisions about fines are being moved to R 420.806b. Provisions about summary suspensions are being moved to R 420.807.

R 420.806a Penalties; limitations on a marihuana license

A proposed new rule that specifies the limitations, allowed for in R 420.806, that may be placed on a marihuana license.

R 420.806b Penalties; fines

A new rule that moves provisions regarding fines in current R 420.806 to this rule.

R 420.806c Penalties; exclusion

The proposed changes move provisions in current R 420.808a to this rule.

R 420.806d Penalties; warning

The proposed changes move provisions in current R 420.807 to this rule.

R 420.807 Summary suspensions

A new rule regarding summary suspensions. Substantive changes from current R 420.806 include prescribing specific conduct or activities that may lead to a summary suspension.

The provisions in current R 420.807 regarding warnings are being moved to R 420.806d,

R 420.808 Formal complaints

The proposed changes allow the executive director to propose a counteroffer or the agency to renegotiate a settlement if a consent order and stipulation are not approved.

R 420.808a – R 420.809

The provisions in current R 420.808a – R 420.809 regarding exclusion and severability are being moved to R 420.806c and R 420.2b, respectively, and the rules are being rescinded.

R 420.821 – R 420.823

The provisions in current R 420.821 – R 420.823 regarding definitions, declaratory rulings, and severability, are being moved to R 420.1, R 420.709, and R 420.2b, respectively, and the rules are being rescinded.

Part 11. Industrial Hemp

This part includes rules formerly found in the Industrial Hemp Rules for Marihuana Businesses rule set.

R 420.1001 Definitions

The proposed changes move definitions to R 420.1, except for redundant definitions and the definition of 'process,' which is being retained since it is defined differently under the Industrial Hemp Research and Development Act and that is the definition that will apply to this part.

R 420.1002 Testing industrial hemp

The proposed changes delete provisions regarding entering information in the statewide monitoring system.

R 420.1003 Processing industrial hemp

The proposed changes delete provisions regarding entering information in the statewide monitoring system.

R 420.1004 Selling industrial hemp

A new rule that prescribes requirements for a marihuana sales location to sell industrial hemp.

R 420.1005 THC limits in industrial hemp products

A new rule that establishes limits on the amount of THC that can be contained in an industrial hemp product defined under MCL 333.27953(f)(v)(A)(II), as provided in MCL 333.27958(1)(n).